UNITED
NATIONS

E

Economic and Social
Council

Distr.
GENERAL

E/CN.4/1998/NGO/7
9 February 1998

ENGLISH
Original: FRENCH

COMMISSION ON HUMAN RIGHTS
Fifty-fourth session
Item 10 of the provisional agenda

QUESTION OF THE VIOLATION OF HUMAN RIGHTS AND FUNDAMENTAL FREEDOMS IN ANY PART OF THE WORLD, WITH PARTICULAR REFERENCE TO COLONIAL AND OTHER DEPENDENT COUNTRIES AND TERRITORIES

Written statement submitted by the International Federation of Human Rights Leagues, a non-governmental organization in special consultative status

The Secretary-General has received the following written statement which is circulated in accordance with Economic and Social Council resolution 1296 (XLIV).

[20 January 1998]

GE.98-10460 (E)

Situation of human rights in Rwanda

1. For some weeks now Rwanda has once again been plunged into violence, particularly with the recent massacre of Congolese refugees by members of the former Rwandan Armed Forces and interahamwe militias involved in the spring 1994 genocide, and the massacres of civilian populations by the Rwandan Patriotic Army in dealing with infiltration by these perpetrators of the genocide of the Tutsis and the political massacres of Hutu moderates. While the International Federation of Human Rights Leagues (FIDH) had hoped that the economic reconstruction of Rwanda and the rehabilitation of the judicial system would bring a period of tranquillity to suffering Rwandans and even the hope of the advent of the rule of law, it can only deplore the new outbreak of violence in Rwanda. While the start of the trials of the suspected perpetrators of the genocide raised hopes of a beginning to national reconciliation, FIDH deplores that little has been achieved in this sensitive and high-priority area.

2. FIDH's main concerns in respect of Rwanda relate to the following points: violence in the north of the country; the situation of the survivors of the genocide; the taking of civilian populations hostage by armed groups; the continuing violation of the right to property; the violation of freedom of association; the violation of freedom of movement and the right to leave the territory and return to it.

3. The situation in the north of the country: For several weeks there has been intensive fighting between the soldiers of the Rwandan Patriotic Army and members of the former Rwandan Armed Forces and the interahamwe militias. In these conflicts, it is as always the civilian population which suffers; it is either caught between two fires, or it pays for what the Government army regards as connivance with the rebels. The United Nations Observer Mission has more than once referred to civilian population groups killed by the national army in reprisal for attacks by the interahamwe militias and infiltrators from the former Rwandan Armed Forces.

4. The situation of the survivors of the genocide: At the fifty-third session of the Commission on Human Rights, FIDH recalled the precarious situation of the survivors of the genocide, who lost everything during the genocide. Their situation remains critical. The survivors, reproached by extremists of all types for having survived, are now the prime victims of the interahamwe militias and former Rwandan Armed Forces infiltrators. At a time when many Rwandans have flung themselves into the frenetic pursuit of material objects in an environment of growing corruption, the survivors for their part continue to be prisoners of their own traumatic experiences and are largely ignored.

5. The taking of civilian populations hostage by armed groups: The violence observed in the north of Rwanda following attacks by members of the former Rwandan Armed Forces and the interahamwe militias is liable to spread to several regions of Rwanda. There have already been reports of attacks in the interior.

6. The continuing violation of the right to property: Despite declarations by the Government, land and property belonging to persons who have been refugees since 1994 continue to be occupied by former refugee returnees. The latter rightly wonder where they will go when they are evicted from the property of the former, insofar as the Government has no plans for relocating them. As for the owners of the illegally occupied property, they continue to be the victims of arbitrary arrests, which are designed to ensure that the illegal occupants of their property are not disturbed.

7. The violation of the freedom of association: Civil society in Rwanda today is going through a serious crisis. The human rights associations and the associations of survivors of the genocide are divided into two camps. Each camp uses human rights to defend the partisan and private interests of its group, which are often material and political. This situation is aggravated by government agents who have infiltrated these associations. Introducing into these associations members who are sympathetic to or firm believers in the ideas and methods of the authorities has the effect of intimidating human rights activists. Some organizations, confronted with this situation of psychosis, have had to give up their activities of reporting and investigating human rights violations and devote themselves solely to less risky activities such as training. Infiltration of this type by government agents, particularly the intelligence services, has also led to the destruction of an entire network of solidarity and mutual protection set up by the human rights defence associations.

8. The violation of freedom of movement and the right to leave one's country and return to it: Last year the Government of Rwanda took the justified step of changing national passports. Rwandans abroad, however, complain that the distribution of these passports is discriminatory. Some Rwandans have also been forbidden to leave the national territory, while others who are abroad and whose property is illegally occupied feel that they are obliged to remain outside the country in order to avoid being physically attacked. Refusing to issue passports to citizens, and prohibiting them from leaving the national territory are violations of article 12 of the International Covenant on Civil and Political Rights, which Rwanda has ratified.

9. The following recommendations and comments have been made by FIDH, which:

- Considers that no Government should take offence at the criticisms addressed to it concerning human rights, but should rather take constructive criticism into account with a view to consolidating a fragile democracy. In this regard, it welcomes the visit to Rwanda of the United Nations High Commissioner for Human Rights, Mary Robinson, who has prepared an analysis of the situation based on the true facts;

- Urges the Commission to condemn vigorously the human rights violations which continue to be committed in Rwanda;

- Also asks the Commission to expand the mandate of the Special Representative by asking him to investigate the human rights situation in situ and to gather systematically information on violations of human rights and humanitarian law, acts which may constitute crimes against humanity and acts of genocide;

- Reiterates the recommendation by 15 organizations of the Great Lakes region,* meeting in connection with the legal cooperation programme organized by FIDH in September 1997 in Darda (Tchad), that an independent international investigation of human rights violations should be carried out in Rwanda, with the support of national human rights associations;

- Deeply concerned by the new outbreak of armed violence in the north of Rwanda and in other regions in the country's interior, urges the Rwandan authorities to take urgent steps to ensure the security of the entire population of these regions and to guarantee their right to life and decent living conditions, and also urges the international community to contribute material assistance and give special attention to this starving population, living in insecurity, for whom the tragedy has been continuous since 1994;

- Appeals to the Government of Rwanda to respect the right to property guaranteed by the Constitution, since the idea of social justice becomes meaningless when some live in abundance while others have nothing;

- Requests the Rwandan authorities to continue working for reconciliation since the Rwandan nation can only exist as such with its three components: Hutu, Tutsi and Twa;

- Recalls that the right of association is guaranteed by the Constitution of the Rwandese Republic and is one of the pillars of any pluralist society and also recalls that associations constitute a bridge between civil society and the authorities, for which they represent a watchdog and an opposition force;

---

* This legal cooperation programme brought together the following organizations: Rwandan organizations: Association rwandaise de défense des libertés publiques (ADL); Association rwandaise de défense des droits de l'homme (ARDHO); Association des Volontaires de la Paix (AVP); Collectif des ligues et associations de défense des droits de l'homme au Rwanda (CLADHO); Association pour la promotion de l'union par la justice sociale (KANYARWANDA ASBL); Ligue pour la promotion et la défense des droits de l'homme au Rwanda (LIPRODHOR). For Burundi: Ligue burundaise des droits de l'homme (ITEKA); Collectif des associations et ONG féminines du Burundi (CAFOB). For the Democratic Republic of the Congo: Voix des Sans Voix; Groupe Lotus; Haki Za Binadamu; Groupe d'études et action pour un développement bien défini (GEAD); Ligue des droits de l'homme (LDH); MILIMA; Association zaïroise des droits de l'homme (AZADHO).

- Recalls that freedom of movement and freedom to leave one's country and to return to it are fundamental freedoms; in the era of globalization, when human rights are proclaimed as universal, every citizen has the right to freedom of movement throughout the world;

- Calls on the Government to expedite trial proceedings in compliance with the right to a fair trial, particularly in view of the overpopulation of the prisons and the backlog that has built up since 1994;

- Welcomes the "Nairobi-Kigali" operation in which the International Tribunal for Rwanda, with the collaboration with the Kenyan authorities, arrested in Kenya some of the suspected perpetrators of the genocide, including the former Prime Minister of the interim Government. It calls on the other countries harbouring suspected perpetrators of the genocide to cooperate with the International Tribunal so that they can be arrested.